

Government to investigate the general subject of legislation for the protection of the public against spurious joint stock company flotations, with special reference to existing legislation in the Provinces of Canada and the States of the United States. Mr. O'Brien's report, which has recently been printed by order of the Legislature, gives a very complete summary of the subject and embodies the consensus of opinion of the various jurisdictions which have enacted this species of legislation. A perusal of this valuable and exhaustive report will be found exceedingly interesting to those who are in any way concerned with this subject and contains a mass of information nowhere else obtainable.

DOCTORS IN THE WITNESS BOX.

By HON. MR. JUSTICE RIDDELL.

Every now and then appears an article, almost invariably in a medical journal, upon this subject; and quite invariably the article contains a complaint that lawyers have a privilege which doctors have not.

This kind of "grouching" does no good, and it may do harm. Perhaps there may be some advantage in clearing up a very common misunderstanding of the law. The latest article on the subject which I have seen—"The Hospital" for July 16, 1921, says: "The lawyer has from time immemorial enjoyed the privilege of refusing to disclose his client's secrets. . . . A doctor is surely entitled to no less protection"—and the lawyer is represented as "claiming for himself a privilege which he denies" to the doctor. A more serious misrepresentation of the fact could scarcely be made—the lawyer has not and never had any such privilege, and what is called improperly his "privilege" is in fact a burden which I have never known any lawyer to enjoy—I know I did not when at the Bar.

The truth is that the privilege is the privilege of the client and of the client alone—the client has in law the right to compel to keep silent certain matters, not only an attorney, solicitor or counsel, but also his solicitor's (I shall use the word "solicitor" to cover "attorney" and "counsel" as well) clerk, his own or his solicitor's interpreters or other agents of communication—and